

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BETTE J. RIVARD, as Administratrix of  
the Estate of JOHN A. HORTON

Plaintiff,

v.

Civil Action No.: **04CV12058-WGY**

THOMAS M. HODGSON, individually and  
as he is the Bristol County Sheriff, GLEN H.  
STURGEON, individually and as he is Deputy  
Superintendent of the Bristol County House of  
Correction, THE BRISTOL COUNTY SHERIFF'S  
OFFICE, PRISON HEALTH SERVICES, INC.,  
PETER BERTHIAUME, SUSAN ANDREWS,  
JOHN DOE and RICHARD ROE

Defendants.

**PRISON HEALTH SERVICES' MOTION TO COMPEL PLAINTIFF'S RESPONSES TO  
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Fed R.Civ.P. 37(a), Prison Health Services, Inc., (hereafter, "PHS"), moves this Honorable Court to compel Plaintiff Bette Rivard to answer and respond to Interrogatories and Requests for Production of Documents that were served upon the plaintiff on February 2, 2005.

As grounds therefore, PHS states the following:

1. The plaintiff, Bette Rivard, is the administratrix of the estate of John Horton. Mr. Horton died on September 29, 2002 while he was incarcerated at the Bristol County House of Correction in Dartmouth, MA. The plaintiff, through her attorney, has filed a wrongful death action against the Bristol County Sheriff's Office, Prison Health Services and various individual defendants.
2. On February 2, 2005, PHS served, via first class mail, Interrogatories and a Request for Production of Documents upon the plaintiff.
3. On June 29, 2005, after repeated attempts to contact plaintiff's counsel, counsel for defendant PHS sent a letter, via facsimile, pursuant to L.R. 7.1(a)(2), to plaintiff's attorney regarding plaintiff's lack of response to discovery. Counsel was informed that if no response to the letter was

received by July 6, 2005, that further action, including a motion to compel would be pursued. (See Exhibit A)

4. To date, counsel for the plaintiff has neither provided Answers to Interrogatories, responded to the Request for Production of Documents, nor has he responded, in any way, to counsel's letter of June 29, 2005.
5. Discovery in this matter ends on September 15, 2005 and the plaintiff's deposition has been rescheduled numerous times due to the defendants' need for the requested discovery.

**WHEREFORE**, Prison Health Services requests that this Honorable Court allow its Motion to Compel Plaintiff's Answers to Interrogatories and Response to Defendant's Request for Production of Documents and order the plaintiff to comply within (10) days of the allowance of this motion.

Respectfully submitted,

PRISON HEALTH SERVICES, INC.,

By its attorneys



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### CERTIFICATE OF SERVICE

I, Mary Eiro-Bartevyan, attorney for Prison Health Services, Inc., hereby certify that I have this <sup>7<sup>th</sup></sup> **day of July, 2005**, forwarded a copy of the foregoing document by first-class mail, postage prepaid, to :

**Plaintiff's Counsel**

Robert M. Proulx, Esq.  
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**Counsel for County**

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Mary Eiro-Bartevyan